XIIIA

ANNUAL REPORT

OF THE

MADRAS COURT OF SMALL CAUSES

FOR THE YEAR 1885.

MADRAS:
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1886.

MADRAS COURT OF SMALL CAUSES,
22nd February 1886.

No. 147.

From

THE JUDGES OF THE COURT OF SMALL CAUSES, MADRAS,

To

THE HONORABLE W. WILSON,
Officiating Chief Secretary to Government,
Fort St. George.

SIR,

WE have the honor to submit, for the information of His Excellency the Governor in Council, the thirty-fifth annual report of the Madras Court of Small Causes, being that for the year ending 31st December 1885.

2. The number of suits instituted in the Court during the year was 1,170 in excess of that for the previous year, the figures being 27,036 in 1885 and 25,866 in 1884.

3. This increase has been proportionately much the same in all descriptions of suits; except that in applications for possession of immovable property under Chapter 7 of the Presidency Small Cause Court Act, which are numbered and classed as suits, there has been a very large increase, the figures being 539 in 1885 against 375 in 1884. These applications are mostly defended and frequently occupy considerable time in disposal.

4. The number of suits above Rs. 1,000 in value was 97, being 13 less than in 1884.

5. The total value of the suits instituted in the year was Rs. 11,55,564 as against Rs. 11,09,501 in 1884, being Rs. 46,063 in excess.

6. 27,754 cases were disposed of in the year, being 2,403 more than in 1884. Of contested suits, the number disposed of was 4,702, being 1,386 more than in 1884 —*vide* Statement I.

7. The number of suits pending at the end of the year was only 2,627 as against 3,345 at the end of 1884, although, as shown above, the number of suits was 1,170 more in 1885 than in 1884. Thus the Court disposed of as many cases as were filed and 718 more.

8. The average duration of suits was very considerably reduced in the year under review, being 40 and 28 days for contested and uncontested cases respectively as against 60 and 36 days in 1884.

9. In the execution department there was also a considerable increase in the work done in this year as compared with 1884, the number of applications for execution disposed of being 13,646 this year and 12,155 in 1884. The total amount realized in execution this year was Rs. 1,75,756, being Rs. 22,659 more than in 1884. The number of distress warrants issued was 249, being 40 more than in 1884.

10. The financial result of the year is again satisfactory. The gross revenue was Rs. 1,70,635, being Rs. 12,394 more than that of the previous year. The disbursements were Rs. 1,03,916, being Rs. 1,140 in excess of the figure for 1884;

but this total includes refunds of half costs in cases settled by agreement of the parties and these were more by Rs. 2,087 than in the previous year, so that the actual working expenses were less in this year than in the last. The net revenue to Government was Rs. 66,719 against Rs. 55,465 in 1884, showing an increase of Rs. 11,254.

11. We append, as usual, a comparative statement of the number and value of suits filed and the fees realized each year since 1874.

12. There were 163 applications for new trials in the course of the year, being 135 less than in 1884. Rules *nisi* for new trials were granted in 27 cases and new trials ordered in 12 cases. The total time occupied in disposing of applications for new trials was 24 days and the average time occupied in disposal was 4 days. No new trials under Section 38 of the Small Cause Courts Act were ordered by the High Court. The High Court called for the record of 7 cases under Section 622 of the Civil Procedure Code and confirmed the judgments in 6 cases, and 1 case was still pending at the end of the year.

13. Besides the work done by the Court appearing from the appendices, 5 cases under the Land Acquisition Act were disposed of by the Chief Judge sitting as a Judge under that Act.

(Signed) J. W. HANDLEY,
(„) P. SREENEVASA RAO,
(„) T. V. PONNOOSAMY PILLAI, } *Judges.*

Statement of the Comparative Number and Value of the Suits filed and the Revenue collected thereon in the last twelve years.

Years.	Number of suits filed, inclusive of summary suits.	Total value of suits.			Fees realized.		
		RS.	A.	P.	RS.	A.	P.
1874	27,480	8,44,951	14	0	1,06,947	1	9
1875	26,389	7,95,442	13	1	1,01,749	3	1
1876	28,367	8,30,729	6	8	1,06,899	3	11
1877	26,941	8,95,816	1	11	1,32,198	8	10
1878	27,293	9,45,731	11	1	1,21,685	10	5
1879	25,662	8,37,637	0	1	1,08,751	13	4
1880	24,482	8,46,106	2	7	1,10,590	0	2
1881	24,472	8,92,427	12	3	1,14,840	1	7
1882	21,296	8,04,455	0	0	1,23,243	0	0
1883	25,079	10,44,126	0	0	1,47,943	0	0
1884	25,866	11,09,501	0	0	1,58,241	0	0
1885	27,036	11,55,564	0	0	1,70,635	0	0

JUDICIAL FORM, No. 1.

Showing the general result of the disposal of cases in the Presidency Court of Small Causes in the year 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Court.	Number of suits pending on the 1st January 1885.	Number of suits instituted during the year 1885.	Number of suits disposed of during the year 1885.										Total disposed of.	Pending at the end of year.	Average duration of suits.		Remarks.
			Dismissed for default or want of prosecution.	Withdrawn with leave under Section 373 of the Civil Procedure Code.	Compromised.	Without contest.			With contest.		On reference to arbitration.				Contested, including cases referred to arbitration.	Uncontested.	
						Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	Judgment for plaintiff in whole or in part.	Judgment for defendant.	For plaintiff.	For defendant.					
	3,268	*26,731	1,584	307	7,027	1,499	12,297	...	3,686	986	3	2	27,391	2,608	40	28	One hundred and sixty-three applications for new trials; 136 disposed of without calling upon the other side. Aggregate time occupied by such cases 24 days; average duration, 4 days.
Filed under Chapter XXXIX of Civil Procedure Code ...	77	305	12	3	94	11	213	...	30	...	...	...	363	19	85	48	
Total ...	3,345	27,036	1,596	310	7,121	1,510	12,510	...	3,716	986	3	2	27,754	2,627	...	...	

* In column 3 are included 100 cases re-admitted to the file.

JUDICIAL FORM, No. 2.

Showing the number and description of suits and other applications pending and instituted in the Presidency Court of Small Causes in the year 1885.

1		2	3	4	5
Nature of claim.		Number of suits			Remarks.
		Pending on the 1st January 1885.	Instituted during the year 1885.	Total.	
Money due on contract ...	On written promise for sum certain	1,095	9,550	10,645	
	On unwritten promise for sum certain	670	4,382	5,052	
	On account stated	308	1,784	2,092	
	On balance of account, partnership or otherwise	...	...	...	
	Money paid or received	206	2,485	2,691	
	For goods sold and delivered	878	5,805	6,683	
Rent not falling under rent law		59	1,992	2,051	
Damages	For injuries to person	...	..	...	
	For injuries to property	...	76	76	
	For other injuries not included in the above	...	...	...	
	For breach of contract not included in the above	5	18	23	
Title and other suits ...	For recovery of possession of immovable property under Chapter VII of the Presidency Small Cause Court Act	47	539	586	
	Suits under the summary procedure, Chapter XXXIX of the Civil Procedure Code	77	305	382	
	Applications under Section 278 of the Code of Civil Procedure ...	22	246	268	
	Other applications	...	...	...	
	Other suits not falling under any of the previous heads	..	...	...	
	Total ...	3,367	27,182	30,549	

JUDICIAL FORM, No. 3.

Showing the value of suits instituted in the Presidency Court of Small Causes in the year 1885, *together with the fees and costs received in stamps.*

1	2	3	4	5
Institutions.	Number of suits.	Total value of suits.	Fees and costs received in stamps.	Remarks.
		RS.	RS.	
Suits not exceeding Rs. 5	7,097	20,651	3,502	
Suits exceeding Rs. 5 and not exceeding Rs. 10	5,030	37,114	5,391	
Do. 10 do. 20	4,994	73,606	10,784	
Do. 20 do. 50	5,371	1,75,854	25,680	
Do. 50 do. 100	2,240	1,60,213	23,533	
Do. 100 do. 500	1,862	3,82,235	46,430	
Do. 500 do. 1,000	245	1,71,339	14,384	
Do. 1,000 do. 1,500	69	85,487	6,495	
Do 1,500 do. 2,000	28	49,065	3,637	
Suits in which an excess above Rs. 2,000 was abandoned	...	...	...	
Total...	26,936 *	11,55,564	1,39,836	* This figure does not include the 100 suits re-admitted.

JUDICIAL FORM, No. 4.

Showing the disposal of suits according to value by each Judge of the Presidency Court of Small Causes during the year 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
By	Judgment for plaintiff.			Judgment for defendant.			Settled by agreement.	Withdrawn with leave or dismissed under Section 97, 98 or 102 of the Code.	Other miscellaneous cases.	Grand Total.	Number of days on which each Judge actually sat in Court.	Number of suits disposed of									
	Contested.	Uncontested.	Total.	Contested.	Uncontested.	Total.						Not exceeding Rs. 5.	Suits between Rs. 5 and Rs. 10.	Suits between Rs. 10 and Rs. 20.	Suits between Rs. 20 and Rs. 50.	Suits between Rs. 50 and Rs. 100.	Suits between Rs. 100 and Rs. 500.	Suits between Rs. 500 and Rs. 1,000.	Suits between Rs. 1,000 and Rs. 1,500.	Suits between Rs. 1,500 and Rs. 2,000.	Suits in which an excess above Rs. 2,000 was abandoned.
Chief Judge ...	438	972	1,410	98	...	98	662	109	2,418	4,697	208	90	119	144	1,108	407	297	50	39	25	...
Second Judge ...	628	3,222	3,850	188	...	188	1,694	464	4,333	10,529	240	451	363	405	2,541	1,209	1,030	172	17	8	...
Third Judge ...	416	1,533	1,949	92	..	92	887	218	1,126	4,272	200	74	74	74	1,653	623	550	86	8	4	...
Registrar	1,211	9,059	10,270	690	...	690	3,895	1,162	3,465	19,482	243	6,664	4,622	4,571	91	30	36	2	1	...	...
Total ..	2,693	14,786	17,479	1,068	...	1,068	7,138	1,953	11,342	38,980	891	7,279	5,178	5,194	5,393	2,269	1,913	310	65	37	...

MEMORANDUM.

			Days.	
The Court was closed on account	of Sundays, not including the Christmas and Easter vacation ...		40	
Do.	do.	of Christmas holidays	15	
Do.	do.	of Hindu holidays	5	
Do.	do.	of Muhammadan holidays	1	
Do.	do.	of vacation	63	One Judge sitting every day, except Saturdays.
Do.	do.	of Easter holidays	6	
Do.	do.	of Empress of India	...	
Do.	do.	of Prince of Wales' birthday	1	
Do.	do.	of last Saturday in the month not including the last Saturdays in the vacation and the Christmas holidays	9	
		Total ...	140	

Nine suits were referred to arbitration, of which 3 were decided in favor of plaintiff and 2 in favor of defendant and 4 are still pending.

JUDICIAL FORM, No. 5.

Showing the result of proceedings on applications for the execution of decrees in the Presidency Court of Small Causes in the year 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
	Filed.			Applications disposed of.						Amount realized		Number of applications on which					
Number of applications pending on the 1st January 1885.	The decrees being those of the Court where execution is taken out.	The decrees being those of other Courts transferred for execution.	Total.	Transferred to another Court under Section 223	Completely executed.	Partly executed.	Wholly infructuous.	Total.	Pending at the end of the year.	With the issue of process	Without the issue of process.	Judgment-debtor was imprisoned.	He was arrested under Section 336, but released without imprisonment.	Property was sold.	Property was attached, but released.	Possession was given of immovables.	Remarks.
										RS.	RS.						
3,613	13,133	40	16,786	455	4,489	600	8,102	13,646	3,140	71,750	1,04,006	490	831	512	566	82	

JUDICIAL FORM, No. 6.

Showing the statistics of the Distraint department of the Presidency Court of Small Causes for the year 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Number of applications				Number of distresses.										
				Compromised										
Pending on the 1st January 1885.	Admitted.	Refused or withdrawn.	Total.	Before distress.	After distress.	Number of sales.	Money paid into Court.	Distresses set aside.	Unexecuted.	Amount of rent for which distresses were issued.	Amount realized by sales.	Amount levied and paid into Court.	Commission and fees realized.	Remarks.
							RS.			RS.	RS.	RS.	RS.	
...	249	...	249	...	20	16	103	11	99	5,866	189	2,413	253	

JUDICIAL FORM, No. 7.

Showing the receipts and charges of the Presidency Court of Small Causes for the year 1885.

1	2	3	4	5	6		7	8	9	10	11	12	13
Receipts					Charges.								
In Small Cause Court stamps.		In cash.		Total.	Salaries of Judges and Registrar.		Establishments.				Total.	Excess of column 5 over column 11, being the amount credited to Government.	Excess of column 11 over column 5, showing a deficit.
Institution, summons, and process fees.	Other fees.	Fines.	Other receipts.				Serving officers and bailiffs.	Others.	Contingencies, including assessment on the Court buildings.	Refunds.			
RS.	RS	RS.	RS.	RS.		RS.	RS.	RS.	RS.	RS.	RS.	RS.	
					Chief Judge ..	23,677							
					Second Judge	12,000							
					Third Judge ..	11,968							
					Registrar ...	6,000							
1,66,994	* 3,328	..	313	1,70,635	Total	53,645	6,166	23,400	843	19,862	1,03,916	66,719	

* Column 2 includes Rs. 2,051, fees realized for copies of decrees furnished to parties under Section 217, Civil Procedure Code, and also Rs. 275, fees realized from pleaders for 11 certificates for admission granted to them.

APPENDIX A.

Statement showing particulars as to execution against the persons of judgment-debtors.

Year.	Average sum decreed.	Average sum for which any coercive process was issued.	Number of persons arrested and for what average sum.		Average amount of debt due by each person imprisoned.	The actual number of persons incarcerated.	Average term of incarceration undergone by parties discharged after imprisonment.	Number of persons arrested and brought before Court.
	RS. A. P.	RS. A. P.	NO.	RS. A. P.	RS. A. P.	NO.	DAYS.	NO.
1885	25 8 5	34 10 7	1,041	41 5 5	70 3 7	490	14	537

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Annual Report of the Madras Court of Small Causes, dated 22nd February 1886, *No.* 147.

ORDER—dated 21st April 1886, No. 1049, Judicial.

The thirty-fifth annual report of the Madras Court of Small Causes, being that for the year 1885, is submitted by the Judges. The Government observe that it was not received until considerably after the date prescribed in G.O., Judicial, 14th June 1883, No. 1594, to which the attention of the Judges will be directed.

2. The report shows that the number of suits instituted during the year was 27,036, against 25,866 in 1884 and 25,079 in 1883. The number of institutions thus exhibits an increase of 1,170 or of 4 per cent. over the year immediately preceding, and is 1,452 in excess of the average of the preceding ten years. The figure reached in 1885 is the highest since 1878, and it therefore appears that there has been a certain, though not large, advance in the number of suits instituted in the last few years.

3. The 27,036 suits filed were of the aggregate value of Rs. 11,55,564, the highest figure on record, exceeding the total value of the suits in 1884 by Rs. 46,063. The average value of a suit however slightly diminished, mainly owing to a decrease in the number of suits of over Rs. 1,000 each in value. Of the suits instituted, 12,127 or 44 per cent. were for the recovery of sums not exceeding Rs. 10; 10,365 or 38 per cent. were for sums exceeding Rs. 10, but not exceeding Rs. 50; while 2,240 or 8 per cent. of the total were for sums which did not exceed Rs. 100. The gross increase in the number of suits occurred mainly among those whose value ranged from Rs. 10 and over to Rs. 100, but there was no falling off in the suits below Rs. 10.

4. The working of the Court during the year shows satisfactory results, which are compared in the following table with those of preceding years :—

Year.	Number of cases disposed of.	Number of contested cases.	Duration of suits in days.				Number of suits pending at end of the year.
			Ordinary.		Under Code of Civil Procedure, Chapter 39.		
			Contested.	Uncontested.	Contested.	Uncontested.	
1881	23,738	3,516	..	..	..	..	3,350
1882	22,910	3,137	52	46	73	28	1,836
1883	24,085	3,676	41	37	49	60	2,830
1884	25,351	3,316	60	36	60	34	3,345
1885	27,754	4,702	40	28	85	48	2,627

It will be observed from this statement that, though the number of suits instituted has increased considerably, the number disposed of exceeded that instituted by 718 suits, the arrears being correspondingly decreased. The number of disposals is the largest in the last five years, and the average duration in ordinary suits is shorter than in any year since 1881. In view of the increased number and proportion of contested suits these results are satisfactory.

5. Referring to the work done by each of the Judges and by the Registrar, the figures are as follow :—

Bench.	Number of days on which sittings were held.	Contested suits.	Uncontested suits.	Miscellaneous.	Total
Chief Judge	208	536	972	3,189	4,697
Second Judge	240	816	3,222	6,491	10,529
Third Judge	200	508	1,533	2,231	4,272
Registrar . .	243	1,901	9,059	8,522	19,482

The Government think it desirable again to call the attention of the Judges to the very large share of the judicial work of the Court which has been apportioned to the Registrar. He disposed of a total number of 19,482 suits, while the total disposed of by the three Judges was 19,498. Moreover the number of contested cases which came before the Registrar was more than double that dealt with by any other of the Judges. It is of much importance that the Registrar should not be prevented, by an excess of judicial work, from attending to his ministerial duties.

6. The gross revenue of the year amounted to Rs. 1,70,635, which is considerably the highest figure on record. In 1884, the fees realized amounted to Rs. 1,58,241, and the average of the preceding five years has been Rs. 1,30,971, above which the revenue of the year now under report shows an increase of Rs. 49,664 or of nearly 38 per cent. The charges amounted to Rs. 1,03,916, or Rs. 1,140 in excess of those of 1884, showing a net value of Rs. 66,719 against Rs. 55,465 in the previous year.

7. Applications for new trials numbered 163 only as compared with 298 in 1884 and 210 in 1883. This considerable decrease is unexplained, but must be regarded as favorable. New trials were ordered in twelve cases against thirteen in the previous year, and no new trials were ordered by the High Court under section 38 of the Small Cause Court Act. The above figures show the work of the Court during the year to have been generally satisfactory.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.